

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

## **ORDER ON DEFENDANT'S COMPETENCY TO STAND TRIAL**

December 21, 2011

**SOROKIN, M.J.**

By letter dated November 25, 2011, the complex warden (“Warden”) of FMC Butner, advised that the defendant arrived at the facility on November 17, 2011, pursuant to the Court’s Order dated October 18, 2011, and requested that the evaluation period begin to run on that date and end on March 15, 2012. Defendant objected. The Court orders that such treatment shall be completed no later than February 28, 2012, as that date is four months from October 28, 2011. The Speedy Trial Act presumes unreasonably delay only for a transportation period exceeding ten days and the the statute, 18 U.S.C. § 4241(d), provides for a period of up to four months “to determine whether there is a substantial probability that in the foreseeable future [the defendant] will attain the capacity to permit the proceedings to go forward.”

Accordingly, the Warden's request is ALLOWED IN PART AND DENIED IN PART. The BOP shall have until February 28, 2012, to complete its treatment. The Clerk shall fax a copy of

this Order to the Warden at the number listed in her letter and mail a certified copy of the Order to the Records Office at FMC Butner.

/S/ Leo T. Sorokin

LEO T. SOROKIN

MAGISTRATE JUDGE